

Message Text

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TO AMCONSUL VANCOUVER

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UNCLAS STATE 102128

E.O. 11652: N/A

TAGS: EIND, PGOV, CA

SUBJECT: PROPOSAL TO RESTRICT FOREIGN OWNERSHIP OF REAL
PROPERTY IN BRITISH COLUMBIA

REFS: (A) STATE 073310

(B) VANCOUVER 00275

1. REEXAMINATION OF WASHINGTON STATE LEGISLATION DIS-
CLOSES THAT IT HAS BEEN REPEALED, (AS NOTED REF B). WE
REGRET ERROR IN REF A.

2. MANY US STATES HAVE LAWS RESTRICTING OWNERSHIP OF REAL
PROPERTY BY ALIENS, HOWEVER, AND STATES REMAIN LEGALLY AND
CONSTITUTIONALLY FREE TO ENACT SUCH LEGISLATION IN THE
FUTURE. ALTHOUGH STATE LAWS ON REAL PROPERTY OWNERSHIP
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VARY GREATLY IN TERMS AND DISABILITIES IMPOSED ON ALIENS,

SOME DO CONDITION CERTAIN RIGHTS TO ACQUIRE AND OWN REAL PROPERTY BY ALIENS ON RECIPROCITY. THE CALIFORNIA PROBATE CODE (SECTION 259-259.2) PROVIDES THAT NON-RESIDENT ALIENS MAY NOT TAKE REALTY BY SUCCESSION OR WILL UNLESS RECIPROCAL RIGHTS EXIST IN FAVOR OF US CITIZENS IN COUNTRIES IN WHICH SUCH ALIENS ARE INHABITANTS AND CITIZENS. UNDER FEDERAL LAW (48 USC SECTION 392) CANADIANS IN ALASKA ARE ENTITLED TO THE SAME MINING RIGHTS AND PRIVILEGES ACCORDED TO US CITIZENS IN BRITISH COLUMBIA AND THE NORTHWEST TERRITORY, PROVIDED THAT SUCH RIGHTS CANNOT EXCEED RIGHTS EXTENDED TO US CITIZENS IN ALASKA.

3. REGARDING PARA 5, REF B, HAWAII AND ARIZONA DO NOT APPEAR TO IMPOSE RECIPROCITY REQUIREMENTS ON ALIEN OWNERSHIP OF LAND. THE HAWAII REVISED STATUTES (SECTION 206-9) PROVIDE THAT AN ALIEN MAY NOT ACQUIRE OR LEASE LAND FROM THE BOARD OF NATURAL RESOURCES, UNLESS HE IS A DECLARANT ALIEN WITH RESIDENCE IN THE STATE FOR FIVE YEARS. HOWEVER, ALIENS MAY ACQUIRE AND HOLD LAND WHEN ACQUIRED THROUGH PRIVATE PERSONS. 33 ARIZONA REVISED STATUTES SECTION 1201 PROVIDES THAT ALIENS ELIGIBLE TO ACQUIRE CITIZENSHIP MAY ACQUIRE, HOLD, TRANSMIT AND INHERIT REAL ESTATE OR INTERESTS THEREIN THE SAME AS CITIZENS. ALIENS INELIGIBLE FOR CITIZENSHIP MAY NOT ACQUIRE OR HOLD LAND EXCEPT BY TREATY PROVISION.

4. FYI. RECOMMENDATIONS OF ONTARIO LEGISLATIVE ASSEMBLY SELECT COMMITTEE (STATE 216181) RE LIMITING LAND OWNERSHIP TO CANADIANS AND LANDED IMMIGRANTS HAVE NOT BEEN TRANS- LATED INTO LEGISLATION. ONTARIO LEGISLATIVE ASSEMBLY HAS, HOWEVER, ENACTED LAND TRANSFER TAX WITH 20 PERCENT RATE WHEN LAND IS TO BE CONVEYED TO PERSONS NOT RESIDENT IN CANADA. ONTARIO ALSO NOW CONSIDERING LEGISLATION TO TAX SPECULATIVE PROFITS ON LAND TRANSACTIONS AT 50 PER- CENT RATE. ONTARIO MEASURES REPORTEDLY ARE AIMED PARTI- CULARLY AT PURCHASES BY EUROPEANS. END FYI.

5. WE POUCHING TORONTO A-10 AND TORONTO 424 TO ALL POSTS EXCEPT OTTAWA. REQUEST POSTS IN REPORTING MEAS- URES AFFECTING REAL PROPERTY OWNERSHIP OR TRANSFER, WHICH UNCLASSIFIED

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CONTINUES GENERATE CONGRESSIONAL INQUIRIES, TO FURNISH COPIES THEIR MESSAGES TO ALL OTHER POSTS IN CANADA. RUSH

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